

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50563 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- KATIHAR NAGAR District- Katihar

OM PRAKASH SAH S/o Jagdish Prasad Sah R/o village- Mirchaibadi, P.S.-
Sahayak, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in connection
with Katihar Town P.S. Case No. 113 of 2022 under sections
461, 379 of the Indian Penal Code.

As per the prosecution story, the informant upon
opening of his godown, found that there has been theft of
mustard oil to the tune of Rs. 11 lac. Accordingly, the FIR.

Learned counsel for the petitioner submits that he is
not named in the FIR and during investigation one Kishan
Yadav was apprehended who in his confession before the police
has taken his name.

It is his further submission that he do not have any
criminal antecedent.



The learned APP on the other hand submits that his name has come in the confessional statement of co-accused before the police and as such he does not deserve any relief.

Taking into account the aforesaid fact the name of the petitioner has come in the confessional statement of co-accused before the police, he do not have any criminal antecedent and ultimately he has to face the trial, this Court is inclined to grant him the relief.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned learned Chief Judicial Magistrate, Katihar, in connection with Katihar Town P.S. Case No. 113 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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